

CITY OF MENASHA
Common Council
Council Chambers, 3rd Floor- 140 Main St., Menasha
September 4, 2007

MINUTES

 + [Back](#)  [Print](#)

1. CALL TO ORDER

Meeting called to order by Mayor Laux at 7:43 p.m .

2. PLEDGE OF ALLEGIANCE

A. [Pledge of Allegiance](#)

3. ROLL CALL/EXCUSED ABSENCES

A. [Roll Call](#)

PRESENT: Ald. Taylor, Wisneski, Pack, Eckstein, Michalkiewicz, Chase, Merkes.

EXCUSED: Ald. Hendricks.

ALSO PRESENT: Mayor Laux, CA/HRD Brandt, PC Stanke, DPW Radtke, C/T Stoffel, AP Beckendorf, Clerk Galeazzi and the Press. DEPT HEADS EXCUSED: PHD Nett, CDD Keil.

4. MINUTES TO APPROVE-MINUTES & COMMUNICATIONS TO RECEIVE

Minutes to approve:

A. [Common Council, 8/20/07](#)

Moved by Alderman Michalkiewicz, seconded by Alderman Eckstein to approve Common Council Minutes, 8/20/07

Motion carried on voice vote.

Motion Passed

Results:

Minutes to receive:

B. [Administration Committee, 8/20/07](#)

C. [Board of Public Works, 8/20/07](#)

D. [NM Sewerage Commission, 7/24/07](#)

E. [IT Steering Committee, 7/18/07](#)

F. [Safety Committee, 7/11/07; City Hall](#)

- G. [Safety Committee, 7/24/07; Public Works/Parks Department](#)
- H. [Plan Commission, 8/21/07](#)
- I. [Library Board, 8/16/07](#)
- J. [Library Board, 8/16/07](#)

Communications:

- A. [Legislative Committee, 7/23/07; Winnebago County](#)
- B. [Jefferson Pool Patron to PRD Tungate, 8/21/07; Thank you](#)
- C. [Comp Stoffel, 8/07; Budget 2008 time table](#)
- D. [PRD Tungate, 8/29/07; Isle of Valor Dedication Ceremony](#)
- E. [Time Warner Cable , 8/28/07; NFL Network on Time Warner Cable](#)

Moved by Alderman Michalkiewicz, seconded by Alderman Pack to approve Minutes to Receive B-I and Communications 1-5

Motion carried on voice vote.

Motion Passed

Results:

5. PUBLIC COMMENTS ON ANY MATTER OF CONCERN TO THE CITY

Five (5) minute time limit for each person

- A. [Public comments on any matter of concern to the city](#)

A. Mary Ann Mulvey, 274 Misty Meadows. If Council members do not understand Sargent and Lundy report, should be asking questions.

B. Kathy Bauer, 709 Lincoln Street. Sargent and Lundy report is a tasks list. Request financial plan from Utilities.

C. Mary Nebel, 713 First Street. Sale of 121 River Street recommended by Plan Commission.

D. Jerry Wittman, 1290 Fieldview.

__1) Ordinance O-25-07 should be revised to have 35-50% Landscaping;

__2) Sidewalk along Midway Road could connect to Province Terrace.

E. Dick Sturm, Steam Plant Manager. Sargent and Lundy plan is roadmap to the recovery of the Steam Plant. Staff and crew at Steam Plant work hard to make the plant a success.

F. Ricky Socha, Steam Plant employee. Invite Council members to tour plant, some mistakes have been made during construction of plant.

6. APPOINTMENTS

- A. [None](#)

7. CLAIMS AGAINST THE CITY

A. [None](#)

8. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS

A. [None](#)

9. REPORT OF COMMITTEES/BOARDS/COMMISSIONS

A. Plan Commission:

1.

[8/21/07; Recommends approval of the Special Use Permit application of Convenience Store Investments \(Kwik Trip\) with the following conditions: 1. Applicant must provide a full photometric plan of the entire property for submission at the 9/11/07 Plan Commission meeting. 2. Applicant must add three additional canopy trees along the south property line and one additional landscape area to the west of the underground tank filling area.](#)

Moved by Alderman Merkes, seconded by Alderman Chase to approve Special Use Permit With Conditions

Discussion. Motion carried on roll call 7-0.

Motion Passed
Results:

2.

[8/21/07; Plan Commission recommends approval of offer to purchase 121 River Street](#)

Acted on in Section IX. B3

B. Administration Committee:

1.

[Accounts payable and payroll for 8/17/07-8/30/07 in the amount of \\$834,196.45.](#)

Moved by Alderman Wisneski, seconded by Alderman Chase to approve Accounts Payable and Payroll

Motion carried on roll call 7-0.

Motion Passed
Results:

2.

[Division of Public Health Pandemic Influenza Contract Agreement #15738, Sept. 1, 2007 July 31, 2008, and authorize signature](#)

Moved by Alderman Wisneski, seconded by Alderman Eckstein to approve Pandemic Influenza Contract Agreement #15738

Motion carried on roll call 7-0.

Motion Passed
Results:

3.

[Recommendation from Utility Commission to Approve Sargent & Lundy Workout Plan.](#)

Moved by Alderman Wisneski, seconded by Alderman Pack to approve Sargent & Lundy Workout Plan

Moved by Alderman Merkes, seconded by Alderman Taylor to move to amend to provide additional items requested by Kathy Bauer within 30 days

Discussion. Motion failed on roll call 2-5. Ald. Merkes, Taylor - yes; Ald. Wisneski, Pack, Eckstein, Michalkiewicz, Chase - no.

Motion Failed
Results:

Moved by Alderman Taylor, seconded by Alderman Merkes to move to amend that within 30 days Utilities Management contact Dresser Rand and come up with a solution for replacement of No. 5 turbine generator

Discussion.

Motion Withdrawn
Results:

Moved by Alderman Taylor, seconded by Alderman Merkes to move to amend that within 30 days Mr. Young contact senior management of Dresser Rand so a meeting can be set up to discuss No. 5 turbine generator.

Discussion. Motion carried on roll call 4-3. Ald. Taylor, Wisneski, Michalkiewicz, Chase - yes; Ald. Merkes, Pack, Eckstein - no.

Motion Passed
Results:

As amended Sargent & Lundy Workout Plan

Motion as amended carried on roll call 7-0.

Motion Passed
Results:

4.

[Offer to Purchase, 121 River Street, Michael Austin](#)

Moved by Alderman Wisneski, seconded by Alderman Merkes to move to send Offer to Purchase to City Attorney and Community Development Director

Discussion. Motion failed on roll call 3-4. Ald. Merkes, Taylor, Wisneski - yes; Ald. Pack Eckstein Michalkiewicz, Chase - no.

Motion Failed

Results:

Moved by Alderman Michalkiewicz, seconded by Alderman Eckstein to move to deny Offer to Purchase and raze the building.

Discussion.

Motion Withdrawn

Results:

Moved by Alderman Michalkiewicz, seconded by Alderman Eckstein to move to deny Offer to Purchase

Motion carried on roll call 4-3. Ald. Wisneski, Eckstein, Michalkiewicz, Chase - yes. Ald. Merkes, Taylor, Pack - no.

Motion Passed

Results:

5.

[Authorization of additional commitment of \\$12,000 for continued Davis & Kuelthau representation regarding the issue of Fox River PCB contamination.](#)

Moved by Alderman Wisneski, seconded by Alderman Chase to approve Additional Commitment of \$12,000

Motion carried on roll call 7-0.

Motion Passed

Results:

C. Board of Public Works:

1.

[Request to remove street light in front of 175 Main Street.](#)

2.

[Concern Regarding Drainageway at 2140 Grassy Plains Drive.](#)

3.

[Update on Request to Enclose Open Drainage Area at 2160 Manitowoc Road](#)

Moved by Alderman Pack, seconded by Alderman Taylor to approve Request to enclose open drainage area at 2160 Manitowoc Road

Motion carried on roll call 7-0.

Motion Passed

Results:

4.

[Change Order-CD Smith Construction, Inc: Water Treatment Plant Modifications; Contract Unit No. M002-940266.02; ADD \\$8,397.00 \(Change Order No. 10\).](#)

Moved by Alderman Pack, seconded by Alderman Taylor to approve Change Order-CD Smith Construction

Motion carried on roll call 7-0.

Motion Passed

Results:

5.

[Consideration of Sidewalk Construction Along Midway Road](#)

Moved by Alderman Wisneski, seconded by Alderman Taylor to approve Sidewalk Construction Along Midway Road

Discussion.

Motion Withdrawn

Results:

Moved by Alderman Wisneski, seconded by Alderman Taylor to move to recommend DPW include concrete sidewalks along Midway Road in 2008 budget.

Motion carried on roll call 6-1. Ald. Pack - no.

Motion Passed

Results:

10. ORDINANCES AND RESOLUTIONS

A. [O-27-07 An Ordinance Relating to Traffic Visibility, Loading, Parking and Access](#)

Moved by Alderman Wisneski, seconded by Alderman Eckstein to adopt O-27-07

Motion carried on roll call 7-0.

Motion Passed

Results:

B. [O-13-07 - An Ordinance relating to C-4 Business Park District](#)

Moved by Alderman Merkes, seconded by Alderman Wisneski to adopt O-13-07

Motion carried on roll call 7-0.

Motion Passed

Results:

C. [O-14-07 - An Ordinance relating to height, setback and area exceptions](#)

Moved by Alderman Merkes, seconded by Alderman Eckstein to adopt O-14-07

Motion carried on roll call 7-0.

Motion Passed

Results:

D. [O-15-07 - An Ordinance relating to zoning districts](#)

Moved by Alderman Merkes, seconded by Alderman Eckstein to adopt O-15-07

Motion carried on roll call 7-0.

Motion Passed

Results:

E. [O-16-07 - An Ordinance relating to R-3 multi-family, medium density residence district](#)

Moved by Alderman Merkes, seconded by Alderman Eckstein to adopt O-16-07

Motion carried on roll call 7-0.

Motion Passed

Results:

F. [O-17-07 - An Ordinance relating to R-4 multi-family high density residence district](#)

Moved by Alderman Wisneski, seconded by Alderman Eckstein to adopt O-17-07

Motion carried on roll call 7-0.

Motion Passed

Results:

G. [O-18-07 - An Ordinance relating to C-1 general commercial district](#)

Moved by Alderman Wisneski, seconded by Alderman Eckstein to adopt O-18-07

Motion carried on roll call 7-0.

Motion Passed

Results:

H. [O-19-07 - An Ordinance relating to C-2 central business district](#)

Moved by Alderman Wisneski, seconded by Alderman Eckstein to adopt O-19-07

Motion carried on roll call 7-0.

Motion Passed

Results:

I. [O-20-07 - An Ordinance relating to I-1 heavy industrial district](#)

Moved by Alderman Merkes, seconded by Alderman Taylor to move to hold O-20-07

Motion Held

Results:

J. [O-21-07 - An Ordinance relating to I-2 general industrial district](#)

Moved by Alderman Wisneski, seconded by Alderman Eckstein to adopt O-21-07

Motion carried on roll call 7-0.

Motion Passed

Results:

K. [O-22-07 - An Ordinance relating to R-2A multi-family, zero lot line residence district](#)

Moved by Alderman Wisneski, seconded by Alderman Eckstein to adopt O-22-07

Motion carried on roll call 7-0.

Motion Passed

Results:

L. [O-23-07 - An Ordinance relating to C-3 business and office district](#)

Moved by Alderman Wisneski, seconded by Alderman Eckstein to adopt O-23-07

Moved by Alderman Taylor, seconded by Alderman Merkes to move to hold O-23-07

Motion Held

Results:

M. [O-24-07 - An Ordinance relating to pole signs](#)

Moved by Alderman Merkes, seconded by Alderman Taylor to move to hold O-24-07

Motion Held

Results:

N. [O-25-07 - An Ordinance relating to site, architectural, landscaping and lighting plan review](#)

Moved by Alderman Merkes, seconded by Alderman Taylor to move to hold O-25-07

Motion Held

Results:

O. [O-26-07 - An Ordinance relating to monument signs](#)

Moved by Alderman Wisneski, seconded by Alderman Taylor to adopt O-26-07

Motion carried on roll call 7-0.

Motion Passed

Results:

11. HELD OVER BUSINESS

A. [None](#)

12. COUNCIL DIRECTIVES

A. [CDD Keil - Status of Midway Crossing Commercial Development \(Drifka Property\) \(Ald. Michalkiewicz\)](#)

CA/HRD Brandt reported for CDD Keil. Calumet County has finally granted an access permit for the proposed driveway onto Midway Road. The parcel at the southeast corner of Midway Rd. and Oneida St. has been sold to CVS pharmacy. The parcel to the south of the pharmacy site has been sold to Lakeview Credit Union. Both businesses are presenting site plans to Plan Commission for approval.

B. [PWD Radtke - Update on audio/visual problems in the Council Chambers \(Ald. Wisneski\)](#)

Have received a commitment from Sennheiser to replace the sound system in the Council Chambers.

C. [CDD Keil - Signage issues at Higher Beans \(old Badger Ice Cream\) \(Ald. Hendricks\)](#)

AP Beckendorf reported one permanent sign has been removed and the current tenant is in the process of getting a permit for a new permanent sign. A citation has been issued to the owner to remove the smaller sign.

D. [Ald. Merkes - Status of Ad-Hoc Sidewalk Committee \(Mayor Laux\)](#)

With the passing of Ordinance O-11-07 regarding sidewalks, the need for an Ad-Hoc Sidewalk Committee was not necessary. However, if the Mayor and Council are now interested in establishing a Committee, Ald. Merkes will help in forming the committee

13. CITIZEN REPRISE (People from the gallery to be heard; only pertaining to matters on the agenda - five (5) minute time limit for each person)

A. [Public comments on matters pertaining to the agenda](#)

Sue Wisneski, 1232 DePere Street. Invite everyone to attend dedication of Isle of Valor.

Ricky Socha, Steam Plant employee. Steam Plant will still produce revenue; lot of hard working people that do not get recognized.

Gary Thiele Steam Plant employee. Safety is a concern, may need to meet in Closed Session to discuss options.

14. ADJOURNMENT

A. [Adjournment](#)

Moved by Alderman Taylor, seconded by Alderman Wisneski to move to adjourn at 9:09 p.m.

Motion carried on voice vote.

Motion Passed

Results:

Respectfully submitted by Deborah A. Galeazzi, City Clerk.